

1 Delegate Campbell, Perry and Perdue move to amend the bill on
2 page one, line twenty by striking everything after the enacting
3 section and inserting the following:

4 "That the Code of West Virginia, 1931, as amended, be amended
5 by adding thereto a new section, designated §16-5C-21, to read as
6 follows:

7 **ARTICLE 5C. NURSING HOMES.**

8 **§16-5C-21. Criminal background check.**

9 (a) Notwithstanding a legislative rule or provider manual
10 issued by the department, a nursing home shall conduct a criminal
11 background check investigation on all applicants for employment.

12 (b) An applicant may not have been convicted of a felony in
13 any jurisdiction within 10 years proceeding the date of application
14 for employment which conviction remain unreversed.

15 (c) If an applicant has been convicted of a misdemeanor or a
16 felony offense constituting child abuse or neglect or abuse or
17 neglect of an adult, he or she may not be employed by a nursing
18 home.

19 (d) If an applicant is under chapter thirty of this code, the
20 applicant shall only be required to meet the criminal background
21 check standard established to obtain licensure in order to work in
22 a nursing home. If a criminal background check standard is not
23 established for that profession under chapter thirty of this code,

1 the department shall implement a criminal background check standard
2 by proposing a rule for legislative approval in accordance with the
3 provisions of article three, chapter twenty-nine-a of this code."